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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 8 April 1998, at 10 a.m.

Chairman:	Mr. SELEBI	(South Africa)
later:	Mr. GALLEGOS CHIRIBOGA (Vice-Chairman)	(Ecuador)
later:	Mr. SELEBI (Chairman)	(South Africa)

CONTENTS

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

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GE.98-11816 (E)

CONTENTS (continued)

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (continued)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (continued)

The meeting was called to order at 10 a.m.

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(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (continued)

(agenda item 9) (continued) (E/CN.4/1998/45-48, 49 and Add.1, 50, 51, 52 and Add.1, 53 and Add.1 and 2, 54 and Add.1, 116, 118, 138, 151 and 157; E/CN.4/1998/NGO/3, 24 and 69-71; E/CN.4/Sub.2/1997/28; A/52/469 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1998/92-97 and 158; A/52/489)

1. Ms. GLOVER (United Kingdom), speaking on behalf of the European Union, the Central and Eastern European countries associated therewith and the associated country of Cyprus, said that the Universal Declaration's anniversary year should see a commitment to address women's human rights as a priority issue and she accordingly urged all States which had not yet done so to accede to the Convention on the Elimination of All Forms of Discrimination against Women with a view to achieving its universal ratification by the year 2000. Being seriously concerned at the number of reservations entered by the States parties to the Convention, the Union called upon States to formulate their reservations in accordance with international treaty law and in as precise a manner as possible, and to review the reservations they had made with a view to their early withdrawal. It welcomed the progress made by the Working Group on the elaboration of an optional protocol to the Convention and hoped that the work would be completed in 1999.

2. Emphasizing the need for development cooperation in providing education in human rights to both women and men and in promoting training on the legal rights of women for judges, lawyers, police forces, social workers and other relevant groups, she said that the Union was fully committed to the implementation of the Beijing Platform for Action and its key principles of mainstreaming and empowerment. While commending the work of the Committee on the Elimination of Discrimination against Women, she urged that Committee to consider further ways of promoting timely and thorough reporting under the Convention and to use the annual meeting of Chairpersons of treaty bodies to encourage the other chairpersons to insist on a gender perspective in the reports they received under their respective conventions. She also urged the

Committee to undertake research into the question of women's right to sexuality and to consider a general recommendation based on paragraph 96 of the Beijing Platform for Action.

3. Noting that, at its recently concluded forty-second session, the Commission on the Status of Women had adopted a resolution condemning the continuing violations of the human rights of women and girls in Afghanistan, the Union strongly urged the Afghan factions to end discriminatory policies and to grant women equal rights with regard to access to education and health facilities, employment outside the home, personal security and freedom from intimidation and harassment. Historical, cultural, religious, national or regional circumstances should not be invoked as justification for violations of the human rights of women.

4. The Union encouraged the Commission and the High Commissioner for Human Rights to work closely with the Commission on the Status of Women and, in that regard, welcomed the invitation to address the Commission extended to the Chairperson of the Commission on the Status of Women. Greater coherence of approach between the Office of the High Commissioner and the Division for the Advancement of Women would be assisted by the systematic collection of relevant data, where appropriate, as well as by the avoidance of time-consuming and costly duplication of effort.

5. Turning to activities within the Union to combat gender-based discrimination, she mentioned the Medium-term Commun Action Programme on Equal Opportunities for Women and Men, the Hague Min ial Declaration on European guidelines for effective measures to prevent and combat trafficking in women for the purpose of sexual exploitation, and a joint plan to combat trafficking in human beings and sexual exploitation of children.

6. Commending the work of the Special Rapporteur on violence against women and the Special Rapporteur on traditional practices affecting the health of women and girls, she called on States and United Nations agencies to cooperate with them and to give serious consideration to their proposals and reports.

7. In conclusion, referring in particular to the human rights of women during armed conflicts, she said that the Union would like to see a checklist of key issues related to gender established as a "first aid kit" to ensure swift and effective international responses in conflict situations and during the post-conflict reconstruction phase. The Union strongly supported the establishment of a permanent international criminal court as a means of holding to account the perpetrators of war crimes, genocide and crimes against humanity and congratulated the Preparatory Committee for the forthcoming Diplomatic Conference on its efforts to mainstream a gender perspective into the court's statute.

8. Mr. BAUM (Germany), having endorsed the statement just made on behalf of the European Union, said that one of the events his country was organizing to commemorate the fiftieth anniversary of the Universal Declaration was a special expert conference entitled "Women's Rights are Human Rights", to be held at Bonn in May 1998. His Government was currently focusing on combating the international trade in women, on sex tourism, on the situation of female

refugees, and on genital mutilation. It set great store by cooperation with non-governmental organizations (NGOs), whose expertise and contacts on the ground were likely to optimize the measures taken.

9. As one of the countries of destination of the trade in women, Germany was particularly affected by the problem. A special working group had been set up to optimize cooperation between all the institutions and groups involved and ensure that their efforts to combat the trade in women took account of the interests not only of the State but also of the women concerned. His Government was promoting advice centres within Germany for women from Central and Eastern Europe who had fallen victim to the trade. Other measures included national and international networking between advice centres, awareness-building among women in the countries of origin, and further training, particularly of the police, judiciary and members of diplomatic missions abroad.

10. So far as sex tourism was concerned, his Government had drawn up a work programme covering prevention, legislation and international cooperation. In collaboration with NGOs, it would take a number of steps to involve the tourist industry in the fight against child sex tourism as well as to enhance the prosecution of German perpetrators.

11. With regard to the situation of female refugees in Germany, his Government was cooperating closely with the Office of the United Nations High Commissioner for Refugees (UNHCR). Lastly, referring to the problem of genital mutilation, he said that the practice was punishable under German law and was subject to heavy penalties. Brochures had been published and distributed to doctors and staff at advice centres who came into contact with women and girls from countries in which the practice existed, and joint publicity campaigns with NGOs were also planned.

12. Ms. KIRCHER (Austria) said her delegation welcomed the Guiding Principles on Internal Displacement developed by the Representative of the Secretary-General on internally displaced persons (E/CN.4/1998/53/Add.2) and hoped that the Inter-Agency Standing Committee would keep Mr. Deng informed about their practical application, thus enabling him to report thereon to the Commission. So far as the second aspect of the Representative's mandate, namely, the institutional framework was concerned, she welcomed his efforts to establish close collaborative relationships with the United Nations agencies and other international organizations and NGOs and the Secretary-General's decision to confer upon the Emergency Relief Coordinator the responsibility for ensuring that the protection and assistance of internally displaced persons were effectively addressed, since it was essential to ensure that the assistance and protection needs of internally displaced persons did not continue to fall through the gaps of existing institutional mandates.

13. Turning to the question of country visits, she noted that serious problems of internal displacement existed in more than 35 countries and stressed the need to provide the Representative with sufficient resources to prepare and undertake more visits to such countries and to ensure that his recommendations received the appropriate follow-up. In conclusion, she said that her delegation was preparing a draft resolution on the subject for adoption by the Commission.

14. Mr. ZAFERA (Madagascar) said that the promotion and protection of human rights were enshrined in his country's Constitution of 1992 and that a national human rights commission had been set up in December 1996 and would shortly become operational. Madagascar also had an ombudsman's office (Médiature) to provide citizens with recourse against abuses of official power and a National Electoral Council which served as the moral guarantor of the regularity of elections.

15. To remedy the inadequacies that still remained, his Government had requested technical assistance from the Office of the High Commissioner to help improve the administration of justice, judicial and administrative police services and the prison service, in the framework of a project to be funded by the Voluntary Fund for Technical Cooperation in the Field of Human Rights. His delegation expressed its gratitude to the contributors to that Fund, since it thought that advisory services and technical cooperation were among the best ways of helping States to improve their human rights situations.

16. Mr. XIE Bohua (China) said that the Commission faced two major problems. One was North-South confrontation: since 1992, the Commission had adopted 87 country resolutions, almost all directed against developing countries. The second problem was too much emphasis on civil and political rights and not enough on economic, social and cultural rights and the right to development.

17. Confrontation should be reduced by strengthening dialogue and cooperation. While it was natural that there should be differences among the member States, they should be dealt with through dialogue, enhancing mutual understanding and identifying common ground, with cooperation proceeding on that basis.

18. The Commission had adopted 534 resolutions since 1992, only 33 of which related to economic, social and cultural rights and the right to development. That serious imbalance should be tackled by improving the agenda, raising the international community's awareness of the importance of the latter rights and undertaking more studies of them. Such a shift would enable the Commission to make a significant contribution to the promotion and protection of human rights worldwide.

19. Advisory services and technical cooperation in the field of human rights should be strengthened. The Tehran Workshop, held a few weeks previously, had reaffirmed that a step-by-step approach should be adopted in establishing a regional human rights mechanism. The countries in the Asian and Pacific region would continue to deepen mutual understanding through such workshops or by other means. The technical cooperation programme adopted by the Workshop provided a good basis for cooperation and he hoped that the Office of the High Commissioner would provide the necessary assistance to the countries of the region for the promotion of their national human rights capacity-building.

20. The forced recruitment of "comfort women" in Asian countries had been a heinous crime committed by the Japanese militarists during the Second World War. There were many victims in China, whose integrity and dignity should be defended. Japan was duty-bound to deal with the issue appropriately and his delegation had noted the measures it had taken to resolve the problem over recent years, including the offer of compensation. The issue was, however, a

political one that could not be resolved simply by economic means. Japan should admit the historical facts, show deep repentance and make sincere apologies.

21. Mr. KUEHL (United States of America) said that the Universal Declaration of Human Rights was both a monument to human dignity and a living document that challenged every nation to live up to the high standards it set. No nation in the world could claim it did not know the contents of the Declaration, which stood unrivalled among the instruments used to measure the way Governments treated their citizens. Much, however, remained to be done. Some States still claimed that universal rights did not apply to their citizens, although respect for fundamental human rights paid handsome dividends.

22. The twentieth century had seen more than enough destruction but, despite some setbacks, human rights had marched steadily forward. The next century must be the age of prevention. Nations must not hide their human rights abuses behind religious, historical or cultural veils. Human rights were universal; history had already determined that and it was time for every nation to accept the fact. If the nations of the world insisted on slouching into the next century half despotic and half free, he feared for the consequences. But if they were guided by the Declaration he would live in hope, for human rights - and therefore human lives - would surely flourish.

23. Mr. HARTLING (Denmark) said that health professionals should be allowed to move freely and uphold the ethical principles of their profession. In a number of cases they had been in danger solely because of their professional activities, while patients had been excluded from receiving medical attention. There had also been some deplorable examples of health professionals who had abused human rights, sometimes willingly but usually as a result of threats to their jobs, or even their lives. In countries where human rights violations prevailed, health professionals had the choice of becoming human rights defenders or violators.

24. It would be desirable, therefore, to investigate allegations of repression directed at health professionals or at those wishing to receive medical care. Situations in which health professionals voluntarily participated in human rights violations should also be investigated. That would enable action to be taken to prevent improper pressure from authorities and to support health professionals. His delegation was therefore in favour of the suggestions by the World Medical Association that the Commission should appoint a special rapporteur on the independence and integrity of health professionals.

25. Mrs. HERRERA CASEIRO (Cuba) said that, at the time when the Universal Declaration of Human Rights was adopted, almost two thirds of mankind had still been living under a colonial or neocolonial yoke. Since then the struggle for national liberation had gone hand in hand with the progressive development of human rights and fundamental freedoms. Her delegation hoped that the fiftieth anniversary of the Declaration could be marked by concerted action and common endeavour, whatever differences there might be among countries regarding the order of priorities.

26. The major achievement of the World Conference on Human Rights had been, for the developing countries, the recognition of the right to development as a universal and inalienable right and an integral part of all human rights. In accordance with the Vienna Declaration, international cooperation on human rights - and its depoliticization - should be strengthened and the United Nations human rights machinery should be improved and rationalized. The Commission should play its part in those reforms.

27. Her delegation paid tribute to the efforts of the Economic and Social Council to restructure and revitalize the Organization and the Commission should follow suit, not only by reorganizing its agenda but by reforming its methods of work and procedures, particularly its special and thematic procedures. Her delegation welcomed the suggestions regarding the creation of thematic procedures for economic, social and cultural rights, which would be a realistic way of paying balanced attention to all the categories of rights.

28. The delay in issuing the report of the High Commissioner on the staff of her Office (E/CN.4/1998/52) was regrettable, since it had prevented the Cuban delegation from submitting comments designed to strengthen that Office. While the past and present High Commissioners had done some valuable work, the task of ensuring equitable geographic representation among the Office's staff was still outstanding.

29. Mr. MUSA HITAM (Malaysia) said he wished to clarify his Government's approach to the deportation of illegal immigrants and to point out the close links between economic instability and the enjoyment of economic, social and cultural rights. Prior to the recent financial crisis, the number of non-nationals legally employed in Malaysia had stood at 1,221,564. Those overstaying their visas had numbered about 450,000 and there had been more than 700,000 illegal immigrants. Over 10 per cent of the total population had thus been non-nationals. Reluctantly, therefore, given the country's diminishing resources, his Government had decided to deport all illegal immigrants, in as orderly a manner as possible.

30. His Government believed that the best way to handle the issue was through bilateral channels and, in the case of Indonesian illegal immigrants, all deportations were carried out with the full knowledge and consent of the Indonesian authorities, with which it enjoyed excellent relations. None of the illegal immigrants were legitimate political refugees.

31. Mass exoduses were caused by violations not only of civil and political rights, but also of economic, social and cultural rights. The "prevention" of mass exoduses should therefore be broadened to include any action to prevent a descent into economic chaos and persistent underdevelopment. The weakening of one country's economic structure had severe, region-wide implications. The creation of an enabling international environment for sustained development was therefore essential, combined with resilient domestic economic structures. Only thus would mass exoduses be prevented.

32. Mr. KARTASHKIN (Russian Federation), said he welcomed the fact that the focus of United Nations activities had largely shifted to the monitoring of the implementation of existing human rights instruments. There still

remained, however, further standards to be set, with a greater emphasis on compromise, the ability to listen, cooperation and the elimination of politically motivated actions.

33. His delegation fully supported the High Commissioner's efforts to improve the effectiveness of her office and hoped that the reforms would shortly be completed, thus enabling her to concentrate on collaborating with the United Nations human rights bodies and integrating human rights into other aspects of the Organization's work.

34. Every year the Commission was faced with new issues that might seem trivial but were significant. One such was the question of nationality. Article 15 of the Universal Declaration of Human Rights stated that no one should be arbitrarily deprived of his nationality. The topicality of the issue was not in doubt and his delegation would be submitting a draft resolution thereon.

35. His delegation welcomed the integration of the human rights of women throughout the United Nations system and supported gender mainstreaming. There was, however a noticeable degree of duplication in the work of the various bodies dealing with the issue, which inevitably led to the inefficient use of time and resources.

36. It should be a priority to strengthen national human rights institutions. His own country was building up a human rights system along such lines. An increasing role was being played by the President's Human Rights Commission, an advisory body which among other functions, prepared draft decrees and orders for the President, made proposals on improving human rights mechanisms, contributed to the drafting of bills and hosted international and national conferences.

37. It had only recently begun to tackle such important issues as human rights in penal institutions and in the armed forces and inadequacies in the protection of the rights of indigenous peoples. At the end of April, it would host an international conference on refugees and forcibly displaced persons. Many of the Commission's recommendations were eventually brought before Parliament for its consideration. Hopes were high that its work would be successful, as would that of the ombudsmen who had been appointed in various regions of the country. Such institutions would not only contribute to the provision of human rights and freedoms but would have a strong influence on the formation of civic society and a State governed by the rule of law.

38. Advisory services in the field of human rights were crucial to any major advance in the implementation of such rights. Any programme of advisory services should, however, take account of the specific nature of the country concerned and should obtain the agreement of the relevant Government. Only thus would such a programme really serve to advance human rights and fundamental freedoms.

39. His delegation welcomed the draft universal programme in the field of human rights education prepared by the Office of the High Commissioner and his

Government in a spirit of genuine cooperation. He hoped that both the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP) would take part in the implementation of that programme.

40. Mr. Gallegos Chiriboga (Ecuador), Vice-Chairman, took the Chair.

41. Ms. GLOVER (United Kingdom), speaking on behalf of the European Union, the Central and Eastern European countries associated therewith and the associated country of Cyprus, said that technical cooperation and advisory services had a central role in creating a climate where respect for human rights and fundamental freedoms was regarded as the rule and not the exception. Their purpose was to assist Governments in the primary task of protecting and promoting human rights, and such assistance should thus be targeted precisely to the needs of the beneficiary country and established with the cooperation of its Government. Whatever the type of support required, the aim must be to help countries to build and strengthen their own national capacities.

42. The Union was committed to promoting activities in the area of human rights both through bilateral development cooperation by its member States and through the Commission's activities. Technical assistance constituted an integral part of its overall human rights policy. One example was Rwanda, where the need for justice was an essential part of restoring confidence and consolidating peace. The Union had provided support for efforts to re-establish the legal system, including training for judges and lawyers, and had helped to alleviate the desperate situation in the prisons. It had carried out many other projects in countries which had asked for assistance in the judicial and legal spheres, and its democracy programmes helped to promote local autonomous democratic systems by means of training, sharing experience and establishing information networks.

43. All the member States of the Union funded technical assistance programmes through their bilateral and multilateral programmes, which included donations to the United Nations Voluntary Fund for Technical Cooperation. The Union welcomed the close cooperation between the High Commissioner for Human Rights and other international organizations, particularly UNDP. It also encouraged increased cooperation between the treaty bodies and the relevant United Nations organs and specialized agencies. It applauded the emphasis given by the Board of Trustees of the Voluntary Fund to project quality, and was pleased to note that evaluation was regarded as a standard part of the project cycle.

44. Technical cooperation and advisory services needed a sound financial basis to have a proper impact and the demand for such assistance far exceeded the funds available. The contributions by some developing countries were thus welcome, as were the efforts by the Board of Trustees to expand the donor base and improve fund-raising strategies. Technical cooperation was among the key areas of the High Commissioner's activities, and recent efforts to integrate economic, social and cultural rights as well as a gender perspective into the programme were most welcome. The key to the success of such endeavours was commitment. If all States were committed to a world in which human rights were respected, technical assistance would have a significant impact.

45. Mr. ALESSI (Italy) said that the continuing civil war in Somalia had led to a situation where a State structure capable of controlling the entire territory of the country had ceased to exist. It was inconceivable, however, that the international community could fail to take action regarding the violations of the rights and the sufferings of the Somali people. No part of the world could be a human rights "no man's land".

46. The report of the independent expert on Somalia (E/CN.4/1998/96) described a situation where the most vulnerable groups in society were subjected to the worst abuses. The recent murder of a doctor of Médecins Sans Frontières demonstrated that even humanitarian assistance personnel were not spared. The report also mentioned violations of human rights and humanitarian law allegedly committed by soldiers from three countries which had formed part of the United Nations force in Somalia, Italy being one of them. Thorough investigations were under way to verify those accusations and to punish anyone found responsible. Neither his Government nor the Italian people would tolerate impunity.

47. In the political discussions on the future of Somalia, the restoration of a state of law must be accompanied by national reconciliation. In the meantime, all the parties to the conflict must take full responsibility for protecting the human rights of the peoples living in the territories under their control. In that connection, his Government welcomed the intention of the High Commissioner to establish a human rights presence in the field there and hoped that the necessary resources would be allocated as soon as possible.

48. Italy would continue to assist Somalia to resume its place in the family of nations through development projects and bilateral and multilateral humanitarian assistance. His delegation intended to submit a draft resolution drawing attention to the need for solidarity by the international community with the Somali people.

49. Ms. RUBIN (United States of America) said that her delegation commended the High Commissioner for her intention to devote substantial attention to the further integration of the human rights of women throughout the United Nations. Whether the Commission and its mechanisms could actually treat women's rights issues with a human rights approach, however, would depend on how well it monitored and reported on the human rights of women.

50. Women's NGOs were also human rights defenders and should be recognized as such; their insights should be included in the work of thematic and country rapporteurs as an essential component of the human rights picture. For example, in the case of Afghanistan, where women had been silenced, dismissed from their jobs and turned away from school, the Special Rapporteur had begun to write about such abuses.

51. Algeria was another case where women's rights had been badly abused, yet no one had looked at the conflict through women's eyes. It was difficult to imagine a religion that could permit beheadings, mutilations, rape, forced "temporary marriages" and the like. Those responsible for such atrocious abuses of human rights must be held to account, not brought into power.

52. Gender-specific analysis looked at events from the perspective of how they might affect men and women differently, the consequences for the victim, and the availability of remedies. Her Government had advocated efforts by the criminal tribunals on the former Yugoslavia and on Rwanda to ensure the investigation and prosecution of crimes of sexual violence coming under their jurisdiction, in particular the prosecution of persons accused of rape. It was also essential that a gender perspective be included in the proposed international criminal court.

53. Mr. QUAYES (Bangladesh) said that the problem of ensuring women's equality and empowerment did not, in most cases, lie in the statute books, but was a product of societal attitudes and traditions. In its own development efforts, Bangladesh stressed access to education for women and girls and opportunities for income generation. If its experience was any indication, non-formal arrangements should receive as much emphasis as formal ones. It had pioneered a successful non-formal primary education programme with the objective of developing a model that could provide basic education to the poorest rural children, particularly girls. Beginning in 1985 with experimental schools in 22 villages, the programme had expanded by the mid-1990s to some 28,500 schools with over 900,000 children.

54. The model had already moved beyond the national borders: a few African countries had started schools along those lines and it was being applied to refugee situations. Training refugee women to operate such non-formal schools within camps would have the additional benefit of providing them with career prospects after repatriation and rehabilitation.

55. Women had not always been able to benefit from major macroeconomic programmes and projects, and poverty and lack of productive employment posed the biggest challenge to their empowerment. In Bangladesh, women were entering the employment market as sole or joint income earners for many households, but their access to essential services had remained limited. Micro-credit had revolutionized women's empowerment at the grass-roots level. Contrary to traditional banking practices, the clients were mainly very poor women who could not provide collateral. The bank or other credit organization provided skill training and marketing information to help borrowers make good use of their credit. The borrowers in turn found new dignity and strength by pulling themselves and their families out of poverty.

56. For such innovative endeavours to succeed, however, there was a need for a broad and sustained framework of international activities and mechanisms. Consequently, the system-wide integration of a gender perspective into all human rights activities and programmes was highly relevant. His delegation would thus like to see a separate item on the human rights of women included in the Commission's agenda.

57. Mr. ZOZULYA (Ukraine) said that coordination of programmes in the field of human rights with development, population, women's issues and criminal justice programmes would be a significant factor in the promotion and protection of human rights. It was regrettable, therefore, that recent efforts to reform the working methods of the Commission had failed. The starting point for an effective rationalization of the Commission's work would be a revision of the agenda to highlight the priority issues of prevention of

human rights violations, human rights and domestic conflicts, the right to self-determination and the responsibility of the State for mass violations of human rights. The system of monitoring must also be streamlined.

58. Two years after the 1996 Geneva regional conference to address the problems of refugees and displaced persons in the countries of the former Soviet Union and neighbouring States, the modest response to the fund-raising appeal gave cause for concern. Without adequate financing, the programme could not be properly implemented. The greatest challenge to his own country in that area was the accommodation of the Crimean Tartars, who had been returning to their homeland in large numbers since the early 1990s.

59. In the search for appropriate solutions to their problems, his Government was maintaining contacts with the countries in which they had resided, and had drafted bilateral accords with Kazakhstan, Kyrgyzstan and Uzbekistan. Thus far, however, Ukraine was the only country to ratify the 1992 Bishkek Agreement on the restoration of the rights of the deported. The international community should take note of the potential security dimensions of that regional problem.

60. The international system for the protection of human rights and fundamental freedoms could not succeed without appropriate efforts at the national level. He was pleased to inform the Commission, therefore, that the Ukrainian Parliament had established the post of Authorized Human Rights Representative (Ombudsman). That was just one example of the continuing incorporation of the principles of democracy into the fabric of his country's society.

61. Mr. GOMEZ-ROBLEDO (Mexico) said that, as a result of the improvement in the conditions which had led to their displacement, the majority of the Guatemalan refugees in his country had returned home voluntarily. For the 15,000 persons of Guatemalan origin still remaining in Mexico, most of whom had been born there, three alternative possibilities had been devised to resolve their refugee status: they could obtain Mexican citizenship, settle indefinitely in Mexico with immigrant status, or remain on a temporary basis, pending voluntary repatriation.

62. Over 400 persons had already become naturalized Mexican citizens, and over 1,500 had begun the process. The European Union was providing support to a plan for the socio-economic integration of those refugees who had chosen to remain. The United Nations High Commissioner for Refugees (UNHCR) had highlighted the solutions offered by his Government as an example of a humane, efficient and constructive way of addressing the problem of forced displacement.

63. Turning to the question of violence against women, he said that there was a growing recognition of the fact that, if the Government and society in general took the view that violence within the home was no concern of theirs, they became accomplices to such violence. Consequently, his Government, working closely with specialized NGOs, had recently taken a new step forward to combat domestic violence. A series of judicial reforms had been introduced to prevent and punish it and to make it easier to bring to trial cases where direct evidence was lacking. It had also classified marital rape as a crime.

64. Mr. LAGOS PIZZATI (El Salvador) said that non-discrimination between men and women was one of the fundamental principles enshrined in the major international human rights instruments and violence against women had to be treated on an integrated basis. In 1996, his Government had established an institute for the development of women to ensure that their participation in political, economic, social and cultural development was on the basis of equality of opportunity with men. The institute was developing a programme for the harmonization of family relations as a response to violence against women. El Salvador had a law against intra-family violence, and a national policy for women covering the period 1997-1999.

65. In January 1997, his Government and the Office of the High Commissioner for Human Rights had signed two technical cooperation agreements to promote the knowledge and application of international standards with regard to the administration of justice and to strengthen the capacity of the armed forces and the police within the framework of respect for the law and human rights. There had been a positive initial impact in the recipient institutions, which served as an encouragement for continuing technical cooperation.

66. Mr. ZAKI (Pakistan) said that, while all nations revered as heroes those who had fought for their freedom and independence, a deliberate effort was currently being made to portray freedom fighters as terrorists. The international community and the Commission must not be misled by that campaign and must continue to support legitimate struggles for freedom and self-determination, as in the case of Indian-occupied Jammu and Kashmir.

67. The Commission needed to devote more attention to the growing phenomenon of State terrorism, which was most frequently evident where the freedom of peoples and nations was being forcibly suppressed, as in occupied Kashmir, where overwhelming military force was being used against an unarmed civilian population. Overt manifestations of State terrorism were often accompanied by covert State terrorism, such as the use of mercenaries and criminals to conduct assassinations, effect disappearances and intimidate the occupied people.

68. The most desperate and dangerous manifestation of State terrorism was the sponsorship of such terrorism against other sovereign States. Pakistan was faced with such terrorism because of its support for and advocacy of the struggle of the Kashmiri people for self-determination. His Government had incontrovertible evidence that the State suppressing the Kashmiri people was also responsible for acts of terrorism perpetrated against the people of Pakistan. The Commission must send out the clear message that terrorism in all its forms and manifestations, wherever and by whomsoever committed, was to be condemned. It must also declare that the suppression of the rights of peoples under foreign and colonial occupation constituted the worst form of terrorism.

69. The National Human Rights Commission of India had delivered a carefully crafted statement to the Commission, but it could clearly not be expected to redress the grave human rights violations being perpetrated against the Kashmiri people. Few of the cases referred to it had been dealt with and no

serious penalty had been imposed. In any event, it was not allowed to take up cases of human rights violations committed by members of the armed forces, who were the most frequent violators of human rights in Kashmir.

70. Since everyone agreed that human rights violations had taken place in occupied Jammu and Kashmir, the only question that remained was how the violations were to be investigated and the perpetrators punished. It was his Government's firm conviction that only an impartial international body or tribunal could do so. As a first step, an international investigation of the numerous specific allegations of human rights violations should be carried out and, once the report of that investigation was available, the United Nations could give consideration to establishing an international criminal tribunal to try to punish those responsible.

71. Mr. KUBHEKA (South Africa) said that 1948 was not only the year in which the Universal Declaration of Human Rights had been adopted but also the year in which the Nationalist Party had come to power in South Africa, forming a Government determined to apply the new and pernicious policy of apartheid. That new South African Government had been one of the very few regimes free from external constraints which had not voted for the adoption of the Universal Declaration, a stain on the history of South Africa which could never be entirely removed. What the delegation of South Africa could do, however, was sponsor and support a commemorative resolution in the Commission on Human Rights, which had played such an important role in the dismantling of the apartheid regime.

72. From the moment that they had supported the Universal Declaration, the colonial States and empires had been living a lie, and they were eventually brought down by the contradictions between what they had publicly professed and what they were practising. While the Universal Declaration was neither perfect nor complete, the beginning of a process and not its end, any attempt to diminish or to denigrate it would also devalue all the subsequent declarations, whose persuasive power depended on the sanctity and reverence with which they were universally regarded.

73. Mr. KUŹNIAR (Poland) said that, despite various proposals, the Commission had not decided on the most appropriate way of commemorating the Universal Declaration of Human Rights. Some wished to review it, saying that there should be greater emphasis on economic and collective rights, while others questioned the universality of the rights and freedoms enshrined therein. His own delegation thought that it was not the time to reinterpret, improve upon or amend the Universal Declaration: it was time that all States implemented its letter and spirit more effectively. All categories of rights were duly represented in the Universal Declaration, and a balance already existed. Deficient fulfilment was due not to a lack of balance but mainly to States and Governments being for various reasons unable to guarantee their peoples full enjoyment of rights and freedoms.

74. Rather than tinkering with the Universal Declaration, States would do better to assume their primary responsibilities with regard to implementation of the International Bill of Human Rights, which would be a substantial contribution to preserving the integrity of the letter and spirit of the

Universal Declaration. Whatever the status of the Commission's statement or resolution on the fiftieth anniversary, it should avoid the adoption of a text which would dilute or distort the meaning of the Universal Declaration.

75. Turning to new approaches and ways of improving the effective enjoyment of human rights and fundamental freedoms, he said that the experience of recent decades had shown that the concept of the link between human rights and governance should not be confined to freedom from fear, for it was also concerned with freedom from want. Good governance meant more than political democracy and the rule of law, and was of vital importance to facilitating both development and respect for human rights. His delegation would be considering the possibility of submitting a draft resolution on the subject.

76. His delegation shared the basic assumption contained in the proposal to reform the structure of the United Nations of designating the issue of human rights as cutting across each of the four substantive fields of the Secretariat's work programme. It also took the view that the High Commissioner for Human Rights and her Office must be properly equipped to become a full-fledged partner vis-à-vis the four main branches of the Secretariat. Adequate budgetary, organizational and human resources, as well as strong political support, was needed. Streamlining and rationalizing the work of the Commission must be done in such a way as to secure the required efficiency with regard to its supervision of the implementation of past decisions, its forward-looking promotion of human rights and its prevention of and reaction to human rights violations.

77. Mr. Selebi (South Africa) resumed the Chair.

78. Mr. MORJANE (Tunisia), commending the Special Rapporteur on violence against women on her report (E/CN.4/1998/54 and Add.1), said that, although important progress had been made on behalf of women worldwide, much remained to be done and much effort was still needed to ensure equality of opportunity between men and women. Tunisian women had held an important place in society since the country became independent, and the principle of equality between men and women was enshrined in the Constitution. The principle of non-discrimination was expressly enshrined in the country's labour code, and also in the nationality code which gave a woman married to a non-Tunisian the right to pass her nationality on to her children born outside Tunisia. His Government's policy on the advancement of women had produced positive results in all walks of life, especially education and health, and women currently represented nearly one quarter of the workforce.

79. His Government emphasized the importance of human rights education with regard to the promotion and protection of women's rights, and the need to redouble efforts to eradicate the odious practice of trafficking in women, which required coordinated action by international organizations and the relevant educational programmes. The Commission should consider devoting a separate item of its agenda to the question of the promotion of women's rights.

The meeting rose at 1.10 p.m.